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forward the claim, a copy of the Director's final determination, and the claimant's document of release to the Secretary of the Treasury for payment of the claim in the amount of final authorization.

§ 151.14 Adjudication.

If the claimant, after written notice by the Director of the amount authorized for payment in full settlement of the claim and after all applicable procedures of §§ 151.12 and 151.13 have been followed elects to dispute the amount authorized, it may then initiate action in the United States Claims Court, which shall have jurisdiction to adjudicate the claim and enter judgment in accordance with section 11(d) of the Act.

Subpart C—Administration, Penalties

§ 151.21 [Reserved]

§ 151.22 Audits.

At the discretion of the Director, all claims submitted under section 11 of the Act and all records of the claimant will be subject to audit by the Director or his/her designee. In addition, the Comptroller General of the United States or his/her designee shall have access to all books and records of all claimants making claims under section 11.

§ 151.23 Penalties.

Claimant's officials or others who provide information or documentation under this part are subject to, among other laws, the criminal penalties of Title 18 of the United States Code, sections 287 and 1001, which punish the submission of false, fictitious or fraudulent claims and the making of false, fictitious or fraudulent statements and which provide for a fine of not more than \$10,000 or imprisonment for not more than five years, or both. For such a violation, the person is likewise subject to the civil penalties set out in 31 U.S.C. 3729 and 3730.

PART 152—ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

Sec.

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AUTHORITY: 15 U.S.C. 2201 *et seq.*; Pub.L. 107-73, 115 Stat. 688.

SOURCE: 67 FR 9148, Feb. 27, 2002, unless otherwise noted.

§ 152.1 Purpose and eligible uses of grant funds.

(a) This competitive grant program will provide funding directly to fire departments of a State for the purpose of enhancing the department's ability to protect the health and safety of the public, as well as that of firefighting personnel, facing fire and fire-related hazards. In order to achieve this stated intent we invite fire departments to apply for assistance in any one (1) of the four (4) program areas described in paragraphs (a)(1) through (4) of this section.

(1) *Fire Operations and Firefighter Safety Program.* Appropriate activities under this program area include: Training, Wellness and Fitness, Firefighting Equipment and Personal Protective Equipment. Applicants can apply for as many related activities under this function as necessary.

(i) *Training Activities:* (A) Training firefighting personnel in fire-fighting, emergency response, supervision and safety, arson prevention and detection, handling of hazardous materials, or training firefighting personnel to provide training in any of these areas. Eligible uses of training funds include but are not limited to purchase of training curricula, training equipment and props including trailers, training services, attendance at formal training forums, etc. Tow vehicles or other means

of transport may be eligible as a transportation expense if adequately justified in the proposal, but transportation expenses will be limited to \$6,000 per year. Compensation to volunteer firefighters for wages lost as a result of attending training under this program is an eligible expense if justified in the grant proposal. Overtime expenses paid to career firefighters to attend training, or overtime expenses paid to firefighters to cover for their colleagues while their colleagues are in training, is an eligible expense if justified in the grant proposal. Even though compensation is an eligible expense, proposals that contain such compensation expenses may be less favorable than similar proposals without compensation expenses due to the benefit/cost element in the evaluation process.

(B) Activities that are not eligible in this area include construction of facilities such as classrooms, buildings, towers, etc. Modifications to an existing facility are allowable if the modifications involve only minor renovation as defined herein (i.e., limited to minor interior alterations costing less than \$10,000).

(ii) *Wellness and Fitness Activities:* (A) Establishing and/or equipping wellness and fitness programs for firefighting personnel, including the procurement of medical services to ensure that the firefighting personnel are physically able to carry out their duties (purchase of medical equipment is not eligible under this activity). Expenses to carry out wellness and fitness activities that include costs such as personnel (i.e., health-care consultants, trainers, and nutritionists), physicals, equipment (including shipping), supplies, and other related contract services that are directly associated with the implementation of the proposed activity are eligible.

(B) Transportation expenses and fitness club memberships for the firefighters or their families would not be eligible under the wellness and fitness program. Other activities that are not eligible in this area include construction of facilities to house a fitness program such as exercise or fitness rooms, showers, etc. Modifications to an existing facility are allowable if the modifications involve only renovations as

defined herein (i.e., limited to minor interior alterations costing less than \$10,000).

(iii) *Firefighting Equipment Acquisition:* (A) Acquiring additional firefighting equipment, including equipment needed directly for fire suppression or to enhance the safety or effectiveness of firefighting or rescue activities. Compressor systems, cascade systems, or similar SCBA refill systems are eligible expenditures in this area as are individual communications and accountability systems. The cost of shipping equipment purchased under this program is also an eligible expense. Thermal imaging cameras are eligible but the number of cameras that can be purchased with grant funds will be limited based on the population served by the department applying for assistance. Departments that serve communities of less than 20,000 can purchase one thermal imaging camera with grant funds if awarded a grant; departments serving communities between 20,000 and 50,000 can purchase for two cameras with grant funds if awarded a grant; and, departments serving communities of over 50,000 can purchase three cameras with grant funds if awarded a grant. Portable radios and/or mobile communications equipment (including mobile repeaters) are eligible.

(B) Integrated communications systems (or parts thereof), such as computer-aided dispatch, towers, repeaters, etc., are not eligible under this activity. Vehicles, as defined herein, are not eligible under this activity.

(iv) *Personal Protective Equipment Acquisition:* (A) Acquiring personal protective equipment required for firefighting personnel as approved by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel to enhance their operational safety. Eligible personal protective equipment includes clothing such as “Turnout Gear” or “Bunker Gear” (including boots, pants, coats, gloves, hoods, goggles, vests, and helmets), self-contained breathing apparatus, spare cylinders, and personal alert safety systems.

(B) The purchase of three-quarter length rubber boots is an ineligible expenditure under this activity. Uniforms

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(formal/parade or station/duty) or uniform items (hats, badges, etc.) are also not eligible expenditures under this activity.

(2) *Fire Prevention Programs.* (i) Applicants can apply for as many related activities under this function as necessary. Appropriate activities in this program include: Public Education, Public Awareness, Enforcing Fire Codes, Inspector Certification, Purchase and Install Smoke Alarms, and Arson Prevention and Detection Activities. Eligible expenses to carry out these activities would include costs such as fire education safety trailer, personnel, transportation, equipment, supplies, and contracted services which are directly associated with the implementation of the proposed activity. Tow vehicles or other means of transport may be eligible as a transportation expense if adequately justified in the proposal, but transportation expenses will be limited to \$6,000 per year.

(ii) Construction is not eligible under this program. A safety village that is not transportable would be considered construction, and therefore, not eligible.

(3) *Emergency Medical Services Program.* (i) Applicants can apply for as many related activities under this function as necessary. Appropriate activities in this program are training (instructional costs (i.e., books, materials, equipment, supplies, and exam fees), certification/re-certification expenses, and continuing education programs) and equipment (defibrillators, basic and advanced life support equipment, universal precaution supplies (i.e., medical PPE) mobile and portable communication equipment, computers, expendable supplies, and infectious disease control and decontamination systems). Tow vehicles or other means of transport may be eligible as a transportation expense if adequately justified in the proposal, but transportation expenses will be limited to \$6,000 per year.

(ii) Not eligible in this program are vehicles such as ambulances, medications and integrated communication systems (or parts thereof), such as computer aided dispatch, towers, fixed repeaters, etc.

(4) *Firefighting Vehicles Program.* Eligible apparatus under this function includes, but is not limited to, pumpers, engines, brush trucks, tankers, rescue, ambulances, quints, aerials, foam units, and boats. Applicants may apply for only one vehicle under this program per year. Eligible expenses under this program would include the cost of the vehicle and associated equipment necessary to conform to applicable national standards. Due to their cost, aerials and quints have a lower benefit than pumpers, engines, tankers, and brush trucks. New, used or refurbished vehicles are eligible. Custom vehicles are eligible, but they may not be as favorably evaluated as a lower costing commercial vehicle. An allowance for transportation to inspect a vehicle under consideration or during a vehicle's production would be eligible if included in the grant proposal.

(b) *Other costs.* (1) Administrative costs are allowable under any of the program areas listed in paragraph (a)(1) through (4) of this section in accordance with OMB Circular A-87. (See 5 CFR 1510.3 for availability of OMB circulars.) Applicants may apply for administrative costs if the costs are directly related to the implementation of the program for which they are applying. Applicants must list their costs under the "other" category in their budget and explain what the costs are for in their project narrative. Examples of eligible administrative costs would be shipping, computers, office supplies, etc.

(2) Applicants that have an approved indirect cost rate may charge indirect costs to the grant if they submit the documentation that supports the rate to us. We will allow the rate to be applied as long as it is consistent with its established terms. For example, some indirect cost rates may not apply to capital procurements; in this case, indirect cost rates would not apply for a grant to purchase equipment or a vehicle.

(3) Some applicants with large awards may be required to undergo an audit in accordance with OMB Circular A-133, specifically, any recipient of Federal funding that spends in excess of \$300,000 of those funds in a year. The costs incurred for such an audit would

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be an expenditure that is eligible for reimbursement if included in the budget proposal.

(4) The panelists will review the applications that make it into the competitive range and judge each application on its own merits. The panelists will consider all expenses budgeted, including administrative and indirect, as part of the cost-benefit determination.

§ 152.2 Definitions.

Active firefighter is a member of a fire department or organization in good standing that is qualified to respond to and extinguish fires or perform other fire department emergency services and has actively participated in such activities during the past year.

Career department is a fire suppression agency or organization in which all active firefighters are assigned regular duty shifts and receive financial compensation for their services rendered on behalf of the department.

Combination department is a fire suppression agency or organization in which at least one active firefighter receives financial compensation for his/her services rendered on behalf of the department and at least one active firefighter does not receive financial compensation for his/her services rendered on behalf of the department other than life/health insurance, workmen's compensation insurance, length of service awards, pay per-call or per-hour, or similar token compensation.

Construction is the creation of a new structure or any modification of the footprint or profile of an existing structure. Changes or renovations to an existing structure that do not change the footprint or profile of the structure but exceed either \$10,000 or 50 percent of the value of the structure, are also considered construction. Changes that are less than \$10,000 and/or 50 percent of the value of the structure are considered renovations.

Direct delivery of training is training conducted within a training organization's own jurisdiction using the organization's own resources (trainers, facilities, equipment, etc.).

Fire department or fire department of a State is an agency or organization that has a "formally recognized arrangement" with a State, local or tribal au-

thority (city, county, parish, fire district, township, town, or other non-Federal governing body) to provide fire suppression, fire prevention and rescue services within a fixed geographical area.

(1) A fire department can apply for assistance for its emergency medical services unit provided the unit falls organizationally under the auspices of the fire department.

(2) Fire departments that are Federal, or contracted by the Federal government and whose sole responsibility is suppression of fires on Federal installations, are not eligible for this grant program. Fire departments or fire stations that are not independent but are part of, or controlled by a larger fire department or agency are typically not eligible. Fire departments that are for-profit departments (i.e., do not have specific non-profit status or are not municipally based) are not eligible to apply for assistance under this program. Also not eligible for this program are ambulance services, rescue squads, auxiliaries, dive teams, urban search and rescue teams, fire service organizations or associations, and State/local agencies such as a forest service, fire marshal, hospitals, and training offices.

Firefighter see the definition of *Active firefighter* in this section.

First-due response area is a geographical area in proximity to a fire or rescue facility and normally served by the personnel and apparatus from that facility in the event of a fire or other emergency as the first responders.

Formally recognized arrangement is an agreement between the fire department and a local jurisdiction such that the jurisdiction has publicly deemed that the fire department has the first-response responsibilities within a fixed geographical area of the jurisdiction. Often this agreement is recognized or reported to the appropriate State entity with cognizance over fire department such as registration with the State Fire Marshal's office or the agreement is specifically contained in the fire department's or jurisdiction's charter.

Integrated communication systems and devices are equipment or systems for